

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings of claims in the application:

LISTING OF CLAIMS:

1-13. (canceled)

14. (currently amended) An information recording apparatus for recording record information onto an information recording medium comprising: a first recording layer on which the record information is recorded by irradiating thereon laser light; and a second recording layer on which the record information is recorded by irradiating thereon the laser light through the first recording layer,

said information recording apparatus comprising:

a recording device for recording the record information into the first recording layer or the second recording layer by irradiating thereon the laser light, the recording device recording the record information into the second recording layer after the recording device records the record information into the first recording layer, the record information being recorded from an inner circumferential side to an outer circumferential side in the first recording layer and the record information being recorded from an outer circumferential side to an inner circumferential side in the second recording layer;

a first controlling device for controlling said recording device to record the record information into a first object area which is a recording area of the second recording layer which is irradiated with the laser light passing through a recorded area of the first recording layer in which the record information is already recorded; and

a second controlling device for controlling said recording device to record the record information into a second object area which is a recording area of the second recording layer which is irradiated with the laser light passing through an unrecorded area smaller than a predetermined width, out of an unrecorded area which are adjacent to the recorded area,

wherein the recording device records control information into the unrecorded area after the recording of the record information into the second recording layer is ended.

15. (previously presented) The information recording apparatus according to claim 14, wherein

the unrecorded area is a border-in area, and

said second controlling device controls said recording device to record the record information into the second object area which is irradiated with the laser light passing through the border-in area.

16. (previously presented) The information recording apparatus according to claim 14, further comprising a third controlling device for controlling said recording device to record the record information while preparing the unrecorded area having a width less than the predetermined width, if recording the record information into the first recording layer while preparing the unrecorded area following the recorded area.

17. (previously presented) The information recording apparatus according to claim 14, wherein the predetermined width is a numerical value determined by a recording unit of the record information.

18. (previously presented) The information recording apparatus according to claim 14, wherein the predetermined width varies depending on a radial position of the information recording medium.

19. (previously presented) The information recording apparatus according to claim 14, wherein the predetermined width corresponds to a size of a beam radius of the laser light on the first recording layer in the case that the second recording layer is irradiated with the laser light.

20. (previously presented) The information recording apparatus according to claim 17, wherein

the information recording medium has a record track on which the record information is recorded and which is distributed concentrically or spirally, and

the numerical value is a data size of the record information which can be recorded onto the record track which is included in the predetermined width at least partially.

21. (previously presented) The information recording apparatus according to claim 17, further comprising a first storing device for storing therein size information for indicating the numerical value.

22. (previously presented) The information recording apparatus according to claim 14, wherein said recording device records position information for indicating a position of the unrecorded area, onto the information recording medium.

23. (previously presented) The information recording apparatus according to claim 14, further comprising a fourth controlling device for controlling said recording device to record the record information while preparing a plurality of unrecorded areas, each of which has a width less than the predetermined width, if recording the record information into the first recording layer while preparing the unrecorded area which has a width is greater than the predetermined width following the recorded area.

24. (previously presented) The information recording apparatus according to claim 23, wherein the record information is recorded such that a width between one and another unrecorded areas, prepared by control of said fourth controlling device, has a size greater than the predetermined width.

25. (previously presented) The information recording apparatus according to claim 14, wherein said first controlling device controls said recording device to record the record information into an object area portion other than at least one portion of an edge portion of the first object area.

26. (previously presented) The information recording apparatus according to claim 25, wherein said second controlling device controls said recording device to record the record information into the at least one portion which is adjacent to the second object area.

27-28. (cancelled)